

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Larry and Nora Shively,	:	
Plaintiff	:	Case No. 2:08-cv-221
v.	:	Judge Watson
	:	Magistrate Judge Abel
Papa John's International, Inc.	:	
Defendant	:	

**ORDER**

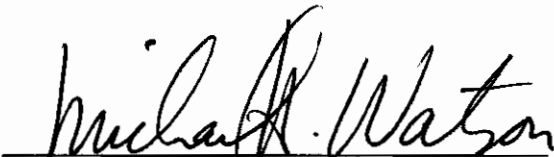
Plaintiffs Larry and Nora Shively brings this action alleging that plaintiff Larry Shively was hit by a Papa John's delivery driver and suffered injuries while on vacation in Myrtle Beach, South Carolina. This matter is before the Court on Magistrate Judge Abel's July 7, 2008 Report and Recommendation that defendant Papa John's International, Inc.'s May 6, 2008 motion to for a change of venue (doc. 5) be granted. No objections were filed to the Report and Recommendation, and plaintiffs recently filed their own, unopposed motion to transfer this case to the District of South Carolina (Doc. 14).

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation and **GRANTS** defendant Papa John's International, Inc.'s May 6, 2008 motion for a change of venue (Doc. 5). Because the incident giving rise to the claim took place in South Carolina, and most witnesses to the accident, accident investigation, and immediate medical

treatment are in South Carolina, transfer of venue to South Carolina is proper for the convenience of both the parties and the witnesses and is in the interest of justice. See *Nicol v. Koscinski*, 188 F.2d 537, 538 (6th Cir. 1951).

The Clerk of Court is **DIRECTED** to transfer this case to the District of South Carolina.

**IT IS SO ORDERED.**

  
**Michael H. Watson**  
**United States District Judge**